III. **REMARKS**

Claims 1-20 are pending and stand rejected after an appeal brief was filed and the file reopened for further prosecution. Applicants' prior remarks filed March 31, 2006 were considered partially persuasive but rendered moot based on new grounds of rejection.

A.   **Specification**

The Patent Examiner objected to the specification because there is no Summary section. Applicants respectfully traverse.

Applicants position was stated in their prior office action responses, incorporated herein by reference. Nonetheless, given the Patent Examiner's continued insistence, a Summary has been added. No new matter was added.

Other minor typographical errors have been corrected. No new matter was added.

B. **Changes to the Drawings**

New drawings are submitted herewith. No new matter has been added.

C. **Changes to the claims**

Claims 1, 5, 8, 10, 12, and 13 stand amended. Claim 16 is canceled.

Claim 1 was amended to more specifically claim the authority table's raw data and relation structure. Support is found, e.g., in [0027], [0028], and [0044]. No new matter was added.

Claims 5 and 8 were amended to make the claim language conform to claim 1. Support is found e.g., in the same paragraphs cited above. No new matter was added.

Claim 10 was amended to more clearly point out that it is the user computer software which allows the user to submit the query. *See, e.g.*, paragraphs [0057] and Figure 5-6. No new matter was added.

Claim 12 was amended to make the claim language conform to claim 1. Support is found e.g., in the same paragraphs cited above. No new matter was added.

Claim 13 is amended to more clearly point out that the output of the parsing step is parsed data.

Claim 16 has been canceled.

As a preliminary matter, Applicants respectfully state that they jointly and commonly owned the inventions claimed herein since at least the application date. However, as a result of cancellation of Claim 16, the only remaining inventor for these claims is Gary R. Maze.

D. Rejections under 35 U.S.C. §112 ¶ 1

The Patent Examiner rejected claims 16-20 under 35 U.S.C. §112, ¶ 1. Applicants respectfully traverse.

As the Federal Circuit noted long ago: "Specifications teach. Claims claim." *Id.* at 1121 n.14. Accordingly, an applicant is not required to describe in the specification every conceivable and possible future embodiment of his invention. *SRI Int'l v. Matsushita Elec. Corp. of America*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). Moreover, a patent applicant need not include in the specification that which is already known to and available to the public. *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659 (Fed. Cir. 1986); *In re Howarth*, 654 F.2d 103, 105 (CCPA 1981). In fact, the specification is not required to teach every detail of the invention or to be a production specification because, in part, there is a statutory mandate of conciseness. 35 U.S.C. § 112, ¶ 1 ("The specification shall contain a written description ... in ... concise, and exact terms ....") The Federal Circuit has admonished against including in the specification material that is known in the art. *Spectra-Physics, Inc. v. Coherent, Inc.*, 827 F.2d 1524, 1534 (Fed. Cir. 1987) ("A patent need not teach, and preferably omits, what

is well known in the art."); *Howarth*, 654 F.2d at 105 ("An inventor need not, however, explain every detail since he is speaking to those skilled in the art."); *In re Gay*, 309 F.2d 769, 774 (CCPA 1962) ("Not every last detail is to be described, else patent specifications would turn into production specifications, which they were never intended to be."). Requiring inventors to include every imaginable detail of a structure corresponding to a claimed means, including those widely understood by persons of ordinary skill in the art, would be the antithesis of conciseness and would result in exceedingly lengthy patents. *Atmel Corporation v. Information Storage Devices, Inc.*, 198 F.3d 1374 (Fed. Cir. 2001).

Therefore, the test for sufficiency of support in an application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Company v. Far-Mar-Co, Inc.*, 772 F.2d 1570 (Fed. Cir. 1985).

The Patent Examiner asserts that the specification does not contain a full, clear and concise description of the process of analyzing the query for keywords and searching for keywords against the tables using the user filtering input with respect to claim 17. (Office Action, page 3) Applicants respectfully traverse.

With respect to analysis of the query for keywords, the specification teaches, e.g., parsing text for keyword generation. *See, e.g.*, paragraph **[0029]**. As the query entered by the use would be matched against the keywords of the tables, parsing the query will result in similar keywords which can be so matched. Paragraph **[0058]** teaches that query keywords are generated, e.g., by software parsing. However, this is not the only way such analysis occurs. In alternative embodiments, the specification teaches use of natural language queries (¶ **[0063]**) or links to user

question/FAQ table 12c (FIG. 2) (¶ **[0063]**) in which users with appropriate access review submitted queries and generate keywords, i.e. analyze the query for keywords.

Additionally, **Fig. 5** shows use of a form and, via that form, a button marked "SEARCH" which, to one of ordinary skill in the art in October 2001 would certainly indicate the use of software to accomplish the parsing of the query input into the keywords taught by the specification.

Additionally, the specification teaches, at paragraph **[0083]** and **Fig. 9**, using simple, word-oriented queries or any other query available to the user through database 22, by way of example and not limitation including latent semantic indexing.

With respect to searching, paragraph **[0061]** teaches that a user who desires to retrieve information may search for information in numerous ways. By way of example and not limitation, the user may search the user created summaries in summary table 12b **(FIG. 2)** for all instances of one or more keywords, or authority table 22a **(FIG. 2)** by keyword, including limiting searches to one or more parameters as will be familiar to those of ordinary skill in the database arts.

Paragraph **[0058]** teaches that the user may elect to designate how the keywords are to be viewed for a search to produce a result, e.g. designate certain words as required, such as by using a "+" symbol, and words to be omitted, such as by using a "-" symbol. Additionally, the user may use proximity search designators including "within sentence," "within paragraph," and/or "within `n` words of `phrase`" designators. In advanced searches, a user may further be able to designate additional search conditions for one or more fields present in authority table 22a, e.g. dates, authors, type of authority, and the like.

Paragraph **[0059]** teaches that the user may also set a threshold value for searches such as at 622 whereby a query containing a plurality of keywords for the search requires an authority or summary to possess at least that threshold of keyword occurrences to be considered a positive or relevant result. By way of example and not limitation, a user query may contain four keywords and have a threshold of fifty percent. Any summary or authority, depending on the search requested, that has at least two of the four keywords is then presented to the user as a positive or relevant search result. Others, e.g. with only one keyword, are not presented.

Each of the above is an example of obtaining user filtering input.

With respect to claim 18, the Patent Examiner asserts that allowing the user to continue the search outside the tables when the number of search results occurs below a predetermined threshold and allowing the user to continue the search outside the tables on a user initiated command are not enabled. Applicants respectfully traverse. The specification teaches, e.g. at paragraph **[0062]**, that when a query uncovers no results meeting the search criteria, a user may invoke an Internet browser or other communications interface, either native to the system such as in a window or external to the system such as a second application, and access other sources of authority data. Such a failure may occur if the number of search results is below a predetermined threshold, as illustrated in paragraph **[0059]**. If data are found in the new source, the data may be captured into authority table 22a (FIG. 2) in accordance with the teachings of these inventions. Additionally, a user may optionally capture merely the reference to the data, e.g. a URL.

Paragraph **[0066]** teaches use of Internet browser functionality with a user selectable option to invoke one or more functions from within that browser which may be integratable into an Internet browser as plug-in. Paragraph **[0078]** teaches that case law, statutory law, contracts, opinions, regulations, and the like (e.g. searches outside the invention's tables) may be captured

810, such as through the Internet, into authority table 22a. *See also* paragraph **[0082]** ("By way of example and not limitation, in this manner a user may continue to use services such as LEXIS/NEXIS.TM. offered by REID ELSEVIER, INC. or WESTLAW.TM. offered by THE THOMSON GROUP ... Similarly, users may access search engines available through the Internet 100 such as YAHOO.TM. or GOOGLE.TM. ... and integrate information uncovered with those search into the user's captured knowledge and references. ")

With respect to Claim 19, the Patent Examiner asserted that the filtering input comprises at least one of limiting searches to a selected element of the taxonomy is not enabled. Applicants respectfully traverse. Figure 6 illustrates a search form where the user is allowed to select search by one category or all categories. Paragraph **[0057]** teaches the user may additionally elect to limiting searches to one or more parameters as will be familiar to those of ordinary skill in the database arts. Categories are an instance of a search parameter. **Fig. 3** illustrates a form that can be used to indicate which category is the selected category.

With respect to claim 20, the Patent Examiner asserts that allowing a user viewing a summary table element to view the raw data is not enabled. Applicants respectfully traverse. The claim, in its entirety, states "wherein a user viewing a summary table element may be allowed to view the raw data from which that summary was derived, the allowing comprising at least one of selecting a region on a display at the user computer in which the summary is being displayed, selecting a command button on the display, and using one or more keys on a keyboard associated with the user computer."

E. Rejections under 35 U.S.C. §102

The Patent Examiner rejected claims 1-15 under 35 U.S.C. §102(e) in view of Coulson (United States Patent 6,526,399). Applicants respectfully traverse.

"Anticipation under 35 U.S.C. § 102 means lack of novelty, and is a question of fact. To anticipate, <u>every</u> element and limitation of the claimed invention must be found in a single prior art reference, <u>arranged</u> as in the claim." *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001) (emphasis added).

Coulson discloses a database grouping and display system that groups a database by row and column in response to a user input, i.e. for display. The database grouping and display system displays a raw, ungrouped database and allows a user to manipulate the display of the data as desired. The user may group the record entries by row, by column, or by row and column. Each record entry grouping is referred to as a "metacell."

Coulson does not disclose that its "raw data" further comprise at least one of text, graphics, audio, or video contained in at least one of (i) a document, (ii) an image, (iii) a reference to a document, or (iv) a reference to an image. All that Coulson describes is that the database comprises raw data which, in context, merely mean data already present in the database, without more.

Coulson does not disclose a user definable taxonomy table. A taxonomy, by definition, is a "division into ordered groups or categories." THE AMERICAN HERITAGE® DICTIONARY OF THE ENGLISH LANGUAGE, FOURTH EDITION, © 2000 by Houghton Mifflin Company. "Meta," as used in computer programming in 1999, meant something which is used to describe another thing. For example, a metasyntax is syntax for specifying syntax, metalanguage is a language used to discuss language, meta-data is data about data, and meta-reasoning is reasoning about reasoning. www.dictionary.com (citing a 1999 source). A metacell is merely a database "cell" (record/field) that describes other database "cells," per Coulson. It is not, therefore, a user definable taxonomy table as required in claim 1. A "metacell" as disclosed by Coulson is not a

separate taxonomy table where the taxonomy records are user definable. In fact, Coulson teaches a user grouping of records in the database table being viewed, not a separate table.

Coulson teaches away from user created summaries and does not disclose a summary table. Coulson teaches "The invention may further perform various summary value operations on a metacell, including summing the values of numerical data entries within the metacell, counting the number of data entries within the metacell, displaying the minimum value of all numerical data entries within the metacell, and displaying the maximum value of all numerical entries within the metacell." These "summary value operations" are software generated metrics and are not disclosed as being user created data or manageable by a user.

Accordingly, Coulson fails to disclose each and every element of Claim 1, arranged as in Claim 1.

With respect to Claim 2, Claim 2 depends from Claim 1 which is distinguishable over Coulson. Again, Coulson does not disclose a user manipulatable taxonomy table which is a separate table, e.g. within a database or free standing. Because Claim 2 depends from an otherwise allowable claim, Claim 2 is itself allowable. Applicants respectfully note that the reference on page 6 to "Price" is not readily understood as the rejection is under §102. If the Patent Examiner is including a reference to a second prior art, by definition these references in combination are not §102 references.

With respect to Claim 3, Claim 3 depends from Claim 1 which is distinguishable over Coulson. Because Claim 3 depends from an otherwise allowable claim, Claim 3 is itself allowable. Moreover, the management is by a user with adequate access permission to manage the summary table. As Coulson has no summary table, there is no disclosure of management by

a user with adequate access permission to manage the summary table. Further, Coulson teaches away from a user managed summary by teaching automatic generation of summary metric data.

With respect to Claim 4, Claim 4 depends from Claim 1 which is distinguishable over Coulson. Because Claim 4 depends from an otherwise allowable claim, Claim 4 is itself allowable. Moreover, Applicants respectfully cannot find any reference to giving a user computer access to a plurality of searchable raw data via the data communications device in the Abstract of Coulson. In any event, Coulson's raw data are not the same as the raw data claimed in Claim 4 via inclusion of Claim 1, as discussed above.

With respect to Claim 5, Claim 5 depends from Claim 1 which is distinguishable over Coulson. Because Claim 5 depends from an otherwise allowable claim, Claim 5 is itself allowable.

With respect to Claim 6, Claim 6 depends from Claim 1 which is distinguishable over Coulson. Because Claim 6 depends from an otherwise allowable claim, Claim 6 is itself allowable.

With respect to Claim 7, Claim 7 depends from Claim 1 which is distinguishable over Coulson. Because Claim 7 depends from an otherwise allowable claim, Claim 7 is itself allowable.

With respect to Claim 8, Claim 8 depends from Claim 1 which is distinguishable over Coulson. Because Claim 8 depends from an otherwise allowable claim, Claim 8 is itself allowable. Applicants respectfully note that Coulson does not disclose an authority table which comprises a description of data where the data are located via the Internet or a reference to data located using the Internet.

With respect to Claim 9, Claim 9 depends from Claim 1 which is distinguishable over Coulson. Because Claim 9 depends from an otherwise allowable claim, Claim 9 is itself allowable. In any event, Coulson's raw data are not the same as the raw data claimed in Claim 4 via inclusion of Claim 1, as discussed above.

With respect to Claim 10, Claim 10 depends from Claim 1 which is distinguishable over Coulson. Because Claim 10 depends from an otherwise allowable claim, Claim 10 is itself allowable. Moreover, Coulson contains no disclosure of a user being allowed to submit a query to query software at all, especially via the Internet, something implicitly recognized by the Patent Examiner in his rejection of Claim 17.

With respect to Claim 11, Claim 11 depends from Claim 1 which is distinguishable over Coulson. Because Claim 11 depends from an otherwise allowable claim, Claim 11 is itself allowable.

With respect to Claim 12, Claim 12 is for, and incorporates, a system as claimed in Claim 1 and Applicants respectfully incorporate their earlier traverse of Claim 1. Importantly, Coulson does not disclose capturing a description of a source of the raw data at all, much less storing that description into the authority table while associating the description with the data in the authority table. Coulson is silent as to the source of the raw data, disclosing only that raw data exist in his database. Moreover, Coulson teaches away from allowing the user to summarize at least a portion of the retrieved raw data, the summarization to be stored in the summary table and associating the summarization with the appropriate element of the taxonomy table using a key field in the user taxonomy table and the summary table.

Accordingly, Coulson fails to disclose each and every element of Claim 12, arranged as in Claim 12.

With respect to Claim 13, Claim 13 depends from Claim 12 which is distinguishable over Coulson. Because Claim 13 depends from an otherwise allowable claim, Claim 13 is itself allowable. Moreover, Coulson is silent as to how raw data get into his disclosed database. Coulson fails to disclose parsing, and especially does not disclose parsing the raw data prior to storing the captured raw data in the authority table to create parsed raw data. Although the Patent Examiner asserts that "data entry" reads on generating keywords from the parsed raw data, such is respectfully not the case. The claimed keywords are generated from parsed raw data and saved in a keyword table. Coulson does not disclose a keyword table associated with the authority table.

With respect to Claim 14, Claim 14 depends from Claim 12 which is distinguishable over Coulson. Because Claim 14 depends from an otherwise allowable claim, Claim 14 is itself allowable. As discussed herein above, Coulson does not disclose a summary table and Coulson's summary values are not keywords but are computer software generated metrics. Coulson does not disclose a keyword table associated with the summary table.

With respect to Claim 15, Claim 15 depends from Claim 12 which is distinguishable over Coulson. Because Claim 15 depends from an otherwise allowable claim, Claim 15 is itself allowable. Coulson's raw data are not the raw data of claim 12 and Coulson does not disclose raw data comprising a pointer to the raw data, a description of a file containing the raw data, or a description of a remote source location of a file containing the raw data.

Accordingly, Coulson does not function as an anticipatory reference under 35 U.S.C. §102(e) of claims 1-15.

F. Rejections under 35 U.S.C. §103

The Patent Examiner rejected claim 16 under 35 U.S.C. §103(a) over Coulson in view of Schirmer; claims 17 and 20 over Coulson in view of Cole; claim 18 over Coulson in view of Cole and Gilfallan; and claim 19 over Coulson in view of Cole and Walton. Applicants respectfully traverse.

Obviousness is ultimately a conclusion of law based on underlying findings of fact. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). These underlying factual findings include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of non-obviousness. *Id.* at 17-18. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the Graham factors). "The factual inquiry whether to combine references must be thorough and searching." *Id.*; *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000) ("a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'") (quoting *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998)); *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); *In re Dance*, 160 F.3d 1339, 1343 (Fed. Cir. 1998) (there must be some

motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant); *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (teachings of references can be combined <u>only</u> if there is some suggestion or incentive to do so.)

Applicants again respectfully reassert their objections from their prior office action response, incorporated herein by reference.

Claim 16 stands canceled.

With respect to Claim 17, Coulson does not disclose formulating a query at a user workstation, analyzing the query for keywords, obtaining user filtering input for tables to be searched, searching for keywords against the tables using the user filtering input; and returning search results to the user. In fact, Coulson has no disclosure of any query at all.

On the other hand, Cole is directed towards the problem of mismatch between the keywords employed by a user in making a query and those assigned by the manual or automatic classification system stored in the system's keyword index. The system records the initial keyword(s) input by the user and holds them until the user is either satisfied or gives up.

Coulson is directed towards data analysis in a corporate environment, i.e. to provide an ability to analyze, summarize, and manipulate raw data in a corporate database. In fact, Coulson is simply directed towards allowing a user to specify fields upon which to <u>group</u> the database, and control the <u>output</u> of the group operation. Any summaries are of metrics, e.g. values of numerical data entries within the metacell, counting the number of data entries within the metacell, displaying the minimum value of all numerical data entries within the metacell, and displaying the maximum value of all numerical entries within the metacell. Coulson wishes to improve drawbacks of prior database grouping and display systems. Cole, on the other hand, is directed to search engines and to modifying associations between objects in a database and

keywords in an index, based on keywords supplied by the user during a search session. There are no keywords and no index in Coulson. Therefore, there is no teaching, motivation, or suggestion to combine these prior art references, save hindsight.

In any event, Claim 17's preamble states that its method is for searching, and incorporates, a system as claimed in claim 1 and even combining Coulson with Cole does not render obvious the system of claim 1, i.e. even the combination does not disclose a system comprising a searchable authority table, a user definable taxonomy table, and a searchable summary table as claimed in Claim 1.

With respect to Claim 20, Claim 20 depends from Claim 17 which is distinguishable over Coulson even in view of Cole. As discussed above, there is no teaching, motivation, or suggestion to combine Cole with Coulson and even combined these do not render Claim 20 obvious. Because Claim 20 depends from an otherwise allowable claim, Claim 20 is itself allowable.

With respect to claim 18 over Coulson in view of Cole and Gilfallan, Claim 18 depends from Claim 17 which is distinguishable over Coulson even in view of Cole. As discussed above, there is no teaching, motivation, or suggestion to combine Cole with Coulson and even combined these do not render Claim 17 obvious. Because Claim 18 depends from an otherwise allowable claim, Claim 18 is itself allowable.

With respect to claim 19 over Coulson in view of Cole and Walton, Claim 19 depends from Claim 17 which is distinguishable over Coulson even in view of Cole. Because Claim 19 depends from an otherwise allowable claim, Claim 19 is itself allowable. Presuming, *arguendo*, that Coulson discloses a taxonomy by allowing its metacells, Coulson does not disclose obtaining filtering input from a user where the filtering comprises limiting searches to a selected
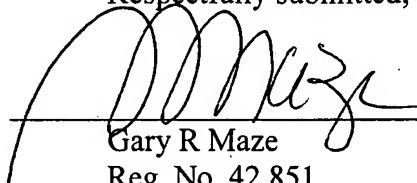
element of the taxonomy, limiting searches to a plurality of selected elements of the taxonomy, limiting searches to all elements of the taxonomy, limiting searches based on fields present for an authority table element, and limiting searches based on fields present for a summary table element. In fact, Coulson does not disclose user queries or summary tables.

CONCLUSION

In view of the foregoing, Applicants respectfully request a Notice Of Allowance for claims 1-15 and 17-20.

Respectfully submitted,

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Gary R Maze
Reg. No. 42,851
Duane Morris LLP
3200 Southwest Freeway Suite 3150
Houston, TX 77027
Telephone: 713.402.3900
Facsimile: 713.402.3901

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